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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/876,354	06/06/2001	Jody L. Terrill	1006137-1	9168

7590

09/21/2005

HEWLETT-PACKARD COMPANY
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EXAMINER

WU, QING YUAN

ART UNIT	PAPER NUMBER
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2194

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/876,354

Applicant(s)

TERRILL ET AL.

Examiner

Qing-Yuan Wu

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 6/29/05.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14, 16-20, 22-33 and 35-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14, 16-20, 22-33, 35-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Claims 1-14, 16-20, 22-33, and 35-43 are pending in the application.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 7-11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a. The following terms are not clearly defined:

- i. As per claims 7-8, it is uncertain whether “the unique identifier” refers to “a unique job identifier” as stated in claim 1, line 7 (i.e. if they are the same then “the unique job identifier” should be used throughout all the claims).
- ii. As per claims 7-9, it is uncertain whether “the unique identifier, the preprint information and the post-print information” are correlated prior to sending (i.e. are these the correlated information?).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-14, 16-20, 22-33, and 35-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over AAPA in view of Kujirai et al (hereafter Kujirai) (US Patent 6,618,566), and further in view of Kassan et al (hereafter Kassan) (US PG Pub 20020161717A1).

6. Kujirai and Kassan were cited in the last office action.

7. As to claim 1, AAPA teaches a computer-implemented method comprising:
obtaining pre-print information about the print job [AAPA, pg. 1, line 25];
obtaining post-print information about the print job [AAPA, pg. 1, line 26-pg. 2, line 4];
correlating the pre-print information and the post-print information [AAPA, pg. 1, line 23].

8. AAPA does not specifically teach the step of associating a print job with a unique job identifier prior to sending the job to a printing device. However, Kujirai teaches associating a job identifier with a print job when spooling the print job in the spooler (prior to sending the job to a printing device) [Kujirai, col. 7, lines 24-51]. It would have been obvious to one of an ordinary skill in the art at the time the invention was made, to have combined the teaching of

AAPA with the teaching of Kujirai because the teaching of Kujirai would improve the ease of identifying a print job with its corresponding job identifier.

9. Furthermore AAPA does not specifically teach correlating using the unique job identifier. However, Kassan teaches correlating information based on an identifier [Kassan, pg. 9, paragraph 173]. It would have been obvious to one of an ordinary skill in the art at the time the invention was made, to have combined the teaching of AAPA with the teaching of Kassan because the teaching of Kassan can improve the correlating print information by simply matching/correlate print information based on the same identifier.

10. As to claim 2, AAPA as modified teaches the invention substantially as claimed including wherein the pre-print information is received from an operating system [AAPA, pg. 1, lines 25-26].

11. As to claim 3, AAPA as modified teaches the invention substantially as claimed including wherein the post-print information is obtained from a peripheral [AAPA, pg. 2, lines 1-4].

12. As to claim 4, this claim is rejected for the same reason as claim 3 above. In addition, AAPA as modified does not specifically teach a facsimile machine. However, it would have

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been obvious to one of an ordinary skill in the art at the time the invention was made, to have include a facsimile machine because it provides similar functionality as a printer.

13. As to claim 5, AAPA as modified does not specifically teach SNMP Gets. However, AAPA as modified disclosed an application in a management server that obtains the post-print information from the printer's job table [AAPA, pg. 2, lines 1-4]. It would have been obvious to one of ordinary skill in the art at the time the invention was made, to have included various means of obtaining post-print information.

14. As to claim 6, AAPA as modified teaches the invention substantially including storing the unique identifier, the pre-print information and the post-print information [AAPA, pg. 2, lines 1-4].

15. As to claim 7, AAPA as modified does not specifically teach sending the unique identifier, the pre-print information and the post-print information to a job table on a peripheral. However, it would have been obvious to one of an ordinary skill in the art at the time the invention was made, to send the collected/correlated information to a different storage device for temporary storage prior to sending it to the management server.

16. As to claim 8, AAPA as modified teaches the invention substantially including sending the unique identifier, the pre-print information and the post-print information to a management server [AAPA, pg. 2, lines 1-4].

17. As to claims 9-11, AAPA as modified does not specifically teach transferring the pre-print information and the post-print information to a management server upon realization of a threshold, wherein the threshold is selected from a group of thresholds comprising an elapsed time threshold, a storage level threshold and a print job quantity threshold, and adjusting a value at which the threshold triggers the transfer of data. However, AAPA as modified disclosed collecting pre-print and post-print information [pg. 2, lines 1-4]. It would have been obvious to one of an ordinary skill in the art at the time the invention was made, to have recognized the limited storage capacity of any storage medium and the importance of backing up essential information upon realization of reaching a certain threshold, adjusting the threshold.

18. As to claims 12-14, AAPA as modified does not specifically teach polling a peripheral to determine if the peripheral has finished with the print job, and polling step comprises varying the rate of polling as the peripheral works on the print job, and requesting the peripheral to send a trap with print information. However, it would have been obvious to one of an ordinary skill in the art at the time the invention was made, to have recognized that post-print information cannot be obtained unless the print job is completed and provide a mean of communicating the completion.

19. As to claim 38, AAPA as modified teach the invention substantially including wherein associating is performed by a print server that receives the print job from a user device and forwards the print job to the printing device [col. 7, lines 49-51; AAPA, pg. 1, lines 10-11].

20. As to claims 39-40, AAPA as modified teaches the invention substantially including wherein the pre-print information includes information as to an owner of the document and as to an application that was used to create the document [AAPA, pg. 1, lines 17-19].

21. As to claims 41-43, AAPA as modified teaches the invention substantially including wherein the post-print information includes information as to time required to print, quantity of toner used to print, and information as to success or failure of printing [AAPA, pg. 1, lines 20-22]

22. As to claim 16, this claim is rejected for the same reason as claim 1 above. In addition, AAPA as modified teaches sending the print job to a printer [Kujirai, col. 12, lines 51-53]. AAPA as modified does not specifically teach configuring a port monitor with a management server. However, AAPA as modified disclosed the method as recited in claim 1. It would have been obvious to one of an ordinary skill in the art at the time the invention was made, to have include or configure a module to facilitate various task for the management server.

23. As to claim 17, this claim is rejected for the same reason as claims 9 and 16 above.

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24. As to claim 18, AAPA as modified does not specifically teach generating a user interface on the management server that is supported by HTML. However, AAPA as modified disclosed an application for collecting pre-print and post-print information [AAPA, pg. 2, lines 1-4]. It would have been obvious to one of an ordinary skill in the art at the time the invention was made, to have include the user interface supported by HTML because it's well know in the art that it would improve the versatility by providing cross platform compatibility.

25. As to claims 19-20, these claims are rejected for the same reason as claims 4, and 12-13 above.

26. As to claims 22 and 31, these claims are rejected for the same reason as claims 1-2, 4, 16, and 19 above.

27. As to claim 23, this claim is rejected for the same reason as claim 20 above.

28. As to claims 24-26, these claims are rejected for the same reason as claims 9-11 above.

29. As to claims 27-30, these are system claims for performing method claims 1-2, 16 and

22. Therefore, they are rejected for the same reason as claims 1-2, 16 and 22 above.

30. As to claims 32-33, these are computer readable media having computer readable instructions claims that correspond to the method claims 4, and 12-13. Therefore, they are rejected for the same reason as claims 12-13 above.

31. As to claims 35-37, these are computer-readable medium having computer-readable instructions and computer having a processor capable of reading a computer readable medium claims that correspond to the method claims 1, 16, and 31. Therefore, they are rejected for the same reason as claims 1, 16, and 31 above.

Response to Arguments

32. Applicant's arguments filed 6/29/05 have been fully considered but they are not persuasive.

33. In the remarks, Applicant argued in substance that:

a. In view of the amendments, the 35 U.S.C. § 112 rejections should be withdrawn.

b. 1) There is no motivation to combine the teachings of Kujirai and Kassan with the known process of collecting pre-print and post-print information.

2) The examiner is using hindsight reconstruction.

34. Examiner respectfully traversed Applicant's remarks:

35. As to point (a), the corrections indicated by applicant were not reflected on the amendment filed, therefore the rejection is maintain.

36. As to point (b), please refer to paragraphs 8-9 above. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper.

37. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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38. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Qing-Yuan Wu whose telephone number is (571) 272-3776. The examiner can normally be reached on 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Meng-Ai An can be reached on (571) 272-3756. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Qing-Yuan Wu

Examiner

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